

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

JEREMIAH CHRISTAIN PITTMAN,	)	
	)	
Petitioner,	)	
	)	
-vs-	)	Case No. CIV-21-851-F
	)	
FNU LNU,	)	
	)	
Respondent.	)	

**ORDER**

Petitioner, Jeremiah Christain Pittman, a state prisoner appearing *pro se*, commenced this action by filing a petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court referred the matter to United States Magistrate Judge Shon T. Erwin for initial proceedings consistent with 28 U.S.C. §§ 636(b)(1)(B) and (C). On September 3, 2021, Magistrate Judge Erwin entered an order requiring petitioner to cure certain deficiencies relating to his petition by September 20, 2021. Doc. no. 5. Subsequently, on October 28, 2021, Magistrate Judge Erwin issued a Report and Recommendation, recommending petitioner's habeas corpus action be dismissed for failure to comply with the court's order. Doc. no. 6. Magistrate Judge Erwin advised petitioner of his right to file an objection to the Report and Recommendation by November 15, 2021, and further advised that any failure to make timely objection to the Report and Recommendation waives the right to appellate review of the factual and legal issues therein addressed.


Petitioner has neither filed an objection to the Report and Recommendation nor sought an extension of time to file one. With no objection being filed within the

time prescribed by Magistrate Judge Erwin, the court accepts, adopts, and affirms the recommended ruling in its entirety.

Petitioner must obtain a certificate of appealability to appeal the court's dismissal of his habeas corpus action. Montez v. McKinna, 208 F.3d 862, 867 (10<sup>th</sup> Cir. 2000). When, as here, the court's decision rests on procedural grounds, the court will not issue a certificate of appealability unless the petitioner can show "that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right, and that jurists of reason would find it debatable whether the [] court was correct in its procedural ruling." Slack v. McDaniel, 529 U.S. 473, 484 (2000). The court finds petitioner cannot make the required showing. Therefore, the court denies a certificate of appealability.

Accordingly, the Report and Recommendation issued by United States Magistrate Judge Shon T. Erwin on October 28, 2021 (doc. no. 6) is **ACCEPTED**, **ADOPTED** and **AFFIRMED**. Petitioner Jeremiah Christain Pittman's habeas corpus action is **DISMISSED WITHOUT PREJUDICE**. A certificate of appealability is **DENIED**.

IT IS SO ORDERED this 30<sup>th</sup> day of November, 2021.

  
STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE